

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT LUCKETT,

No. C-04-1013 MEJ

Plaintiff,

vs.

ORDER TO SHOW CAUSE

CITY OF OAKLAND, et al.,

Defendants.

On May 5, 2005, the Court conducted a hearing on plaintiff's counsel's Motion to Withdraw as Counsel. Ruling from the bench, the Court granted the motion. Currently, the pre-trial conference is scheduled for June 23, 2005, final pre-trial conference for July 21, 2005, and the trial for July 25, 2005. In preparation for trial and in accordance with this Court's case management order, parties were ordered to meet and confer, and file joint pretrial conference statements no later than June 8, 2005. However, by letter dated June 1, 2005, defendant City of Oakland ("Defendant") is unable to comply with the meet and confer requirements of the Court's pre-trial order because Defendant cannot locate Plaintiff. It is the belief of this Court that plaintiff Robert Luckett ("Plaintiff") is in state custody. Decl. Nisenbaum in Support of Mot. to Withdraw.

Good Cause Appearing, the Court hereby ORDERS Plaintiff to show cause why the matter should not be dismissed for failure to prosecute. Plaintiff shall file a declaration in answer to this Order to Show Cause no later than June 21, 2005. A hearing on the order to show cause will be held on June 23, 2005 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco. Plaintiff is advised that failure to file a declaration and/or appear for the hearing will result in dismissal of his case.

IT IS SO ORDERED.

Dated: June 2, 2005

/s/ Maria-Elena James
MARIA-ELENA JAMES
United States Magistrate Judge